

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEREMIAH S. JOHNSON-EL Exrel JERRY L.
JOHNSON,

Plaintiff,

-against-

WILLIAM L. DePROSPO d/b/a COUNTY
COURT MAGISTRATE

Defendant.

1:20-CV-2878 (CM)

ORDER

COLLEEN McMAHON, Chief United States District Judge:

By order dated and entered April 9, 2020, the Court directed Plaintiff, within 30 days, to either pay the \$400 in fees required to commence this action or submit an application to proceed *in forma pauperis* (“IFP”). (ECF 2.) By order and judgment dated June 10, 2020, and entered the next day, the Court dismissed this action without prejudice because Plaintiff failed to pay the fees or submit an IFP application. (ECF 3 & 4.)

On July 2, 2020, the Court received a letter from Plaintiff in which he asks the Court “to reconsider [his] request and [he] demand[s] for this case to be heard simply because [his] rights have been violated.” (ECF 5, at 1.) He states that he “was under the impression that the courts were not accepting documents for a certain amount of time due to the Co-vid matter.” (*Id.*) Plaintiff also asserts that he “was told by a security guard in the lobby [of a courthouse] that the courts were closed.” (*Id.*) He further claims that he “was informed that during the months of April, May and early June[,] the mail . . . was moving very slow to a point that the mail delivery was more than two weeks behind. [That] is why [he] did not mail anything in at that time.” (*Id.*)

The Court construes Plaintiff’s letter as a motion to alter or amend a judgment under Rule 59(e) of the Federal Rules of Civil Procedure, and for reconsideration under Local Civil Rule

6.3. The Court grants the motion and vacates its June 10, 2020 order of dismissal and judgment. The Court also gives Plaintiff 30 days' leave to pay the \$400 in fees or to complete and file an IFP application.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

The Court construes Plaintiff's letter, filed on July 2, 2020, as a motion to alter or amend a judgment under Rule 59(e) of the Federal Rules of Civil Procedure, and for reconsideration under Local Civil Rule 6.3. The Court grants the motion and vacates its June 10, 2020 order of dismissal and judgment. (ECF 3 & 4.) The Court grants Plaintiff 30 days' leave to pay the \$400 in fees to bring this action or submit a completed IFP application. An IFP application form is attached to this order for Plaintiff's convenience. The Court will not grant any further extensions. If Plaintiff fails to pay the fees or submit a completed IFP application within the time allowed, the Court will dismiss this action without prejudice.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: July 15, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge